

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\*\*\*

Alfred D Porter,

Plaintiff,

vs.

Laborers Union Local 872, *et al.*,

Defendants.

Case No. 2:23-cv-00551-CDS-VCF

**Report And Recommendation for Dismissal**

I previously dismissed pro se plaintiff Alfred D Porter complaint without prejudice and gave him thirty days to file an amended complaint. ECF No. 5. In my order I warned that “[f]ailure to timely file an amended complaint that addresses the deficiencies noted in this order may result in a recommendation for dismissal[.]” *Id.* I also warned that, [p]ursuant to LR IA 3-1, plaintiffs must immediately file written notification with the court of any change of address. *Id.* Plaintiff has not filed an amended complaint or an objection to my order, and the deadline to do so has passed. Plaintiff has also failed to update his address, as his mail has been returned as undeliverable. ECF No. 6. For the reasons discussed in my screening order (ECF No. 5) the plaintiff’s case should be dismissed.

ACCORDINGLY,

I RECOMMEND that this action be DISMISSED, and Judgment entered, accordingly.

**NOTICE**

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified

1 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file  
2 objections within the specified time and (2) failure to properly address and brief the objectionable issues  
3 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the  
4 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*  
5 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

6 Pursuant to LR IA 3-1, plaintiffs must immediately file written notification with the court of any  
7 change of address. The notification must include proof of service upon each opposing party's attorney,  
8 or upon the opposing party if the party is unrepresented by counsel. **Failure to comply with this rule**  
9 **may result in dismissal of the action.**

10 DATED this 30th day of May 2023.

11   
12 CAM FERENBACH  
13 UNITED STATES MAGISTRATE JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25